

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF WISCONSIN

REO L. COVINGTON, plaintiff

Vs.

Nancy Bowens,

Patrick Murphy,

Heinrich Roehrich

Nurse Melanie ???

21-cv-461-wmc

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Civil Complaint Pursuant To §1983 of the
United States Constitution

1. Jurisdiction.

This is a civil action authorized by 42 USC Section 1983 to redress the deprivation under the color of state law of rights secured by the Constitution of the United States. This Court has jurisdiction under USC Section 1331 and 1343 (a) (3). Plaintiff seeks declaratory judgment pursuant to 28 USC Section 2201 and 2202.

2. The Western District of Wisconsin is an appropriate venue pursuant to 28 USC Section 1391(b)(2) because this is where the events giving rise to this complaint occurred.

Plaintiff.

3. The Plaintiff, Reo L. Covington was at all times herein relevant a prisoner of the state of Wisconsin, in the custody of the department of corrections at the Oshkosh Correctional Facility in Oshkosh, Wisconsin. Plaintiff is no longer in physical custody.

Defendants.

4. Nancy Bowens was at all times herein relevant as a nurse practitioner at the health services unit within Oshkosh Correctional Institution for the Wisconsin Department of Corrections. She is legally responsible for providing adequate healthcare to prisoners within Oshkosh Correctional Institution for the Wisconsin Department of Corrections. This includes but is not limited to providing healthcare that is not prohibited by the Eighth Amendment to the United States Constitution.

5. Patrick Murphy was at all times herein relevant as a medical physician at the health services unit for Oshkosh Correctional Institution within the Wisconsin Department of Corrections. He is responsible for providing adequate healthcare for prisoners within the Wisconsin Department of Corrections.

This includes but is not limited to providing healthcare that is not prohibited by the Eighth Amendment to the United States Constitution.

6. Heinrich Roehrich was at all times herein relevant as a Psychiatrist at the health services unit for Oshkosh Correctional Institution within the Wisconsin Department of Corrections. He is responsible for providing adequate mental health treatment for prisoners within the Wisconsin Department of Corrections. This includes but is not limited to providing treatment that is not prohibited by the Eighth Amendment to the United States Constitution.

7. Nurse Melanie ????? was at all times a registered nurse at the health services unit for Oshkosh Correctional Institutional Institution within the Wisconsin Department of Corrections. She is responsible for providing adequate healthcare to prisoners within Oshkosh Correctional Institution, These responsibilities include but are not limited to providing healthcare that is not prohibited by the Eighth Amendment to the United States Constitution.

8. Each defendant is sued in his/her individual and official capacity as an officer/agent of the State of Wisconsin. At all times herein mentioned each defendant was acting under the color of state law.

Facts of the Case:

9. On or about December 21, 2017 Reo L. Covington, (Hereinafter as Plaintiff) was rushed to the emergency room at Mercy Hospital in Oshkosh, Wisconsin by van transport from the health services unit at Oshkosh Correctional Institution.

10. Upon arriving at the emergency room it was discovered that Plaintiff was suffering from an ketoacidosis event due to extremely high blood sugars. An event that could cause coma, stroke, and/or death.

11. Prior to the trip to the emergency room Plaintiff was denied doctor's ordered insulin by the defendants more than 20 times.

12. The readings for the Plaintiff's blood sugars were at times over 500, 400 and only one was 248 for over one week, prior to the trip to the emergency room.

13. Defendants were not acting within reason when denying insulin and these denials were in reckless disregard to the plaintiff's risk of serious injury, and/or death.

14. These defendants were responsible for providing unreasonable treatment and care to Plaintiff while under their care.

15. Defendant Heinrich Roerhich was the physician who ordered the testing that led to the Plaintiff's emergency room trip.

16. Plaintiff's life was placed at unnecessary and wanton risk due to the defendants' blatant disregard for his risk of serious injury or death.

17. Plaintiff has exhausted all administrative remedies that were available to him at the times of the events that led to this claim.

18. All grievances were denied outright and appealed through to the proper chain of command, then denied or outright ignored by the administrative officials.

19. Plaintiff re-alleges and incorporates paragraphs 1-19.

20. The denial of insulin to Plaintiff caused an event of ketoacidosis, and placed him at unnecessary intentional risk of serious injury or death. These acts violate the guarantees of the Eighth Amendment to the United States Constitution.

21. The Plaintiff has no plain adequate remedy at law to redress the wrongs described herein.

Plaintiff has been irreparably harmed by the conduct of the defendants and seeks relief from this Honorable Court.

Wherefore the Plaintiff, Reo L. Covington, prays that this Honorable Court will enter judgment granting;

(A) a declaration stating that the acts and omissions of the defendants described herein violated the Plaintiff's rights under the United States Constitution and laws of the United States.

(B) Compensatory damages in the amount of \$250,000 from each defendant jointly and severally.

(C) Punitive damages in the amount of \$175,000 from each defendant jointly and severally.

(D) A jury trial on all triable issues.

(E) Plaintiff's cost at suit.

(F) Any further relief the court deems proper, equitable, and just.

Respectfully Submitted, Reo L. Covington

I have read the foregoing civil complaint and hereby verify that the matters alleged herein are true, except as to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Caddo Valley, Arkansas on this the 17th day of April, 2021.

Reo L. Covington

A handwritten signature in black ink, appearing to read "Reo L. Covington", with a stylized flourish at the end.